

A. G. Contract No. KR96 1681TRN  
COT Contract No. 009-97  
ADOT ECS File: JPA 96-101  
Project: STP-900-0(141)/H4373 01X  
Section: FY96 - 97 Advanced  
Technology Transfer Program

INTERGOVERNMENTAL AGREEMENT  
BETWEEN  
THE STATE OF ARIZONA  
AND  
THE CITY OF TUCSON

THIS AGREEMENT is entered into 14 NOVEMBER, 1996,  
pursuant to Arizona Revised Statutes Section 11-952 through 11-  
954 as amended, between the STATE OF, acting by and through its  
DEPARTMENT OF TRANSPORTATION (the "State") and the CITY OF  
TUCSON, acting by and through its MAYOR and CITY COUNCIL (the  
"City").

I. RECITALS

1. The State is empowered by Arizona Revised Statutes  
Section 28-108 and 28-112 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has delegated  
to the undersigned the authority to execute this agreement on  
behalf of the State.

2. The City is empowered by Arizona Revised Statutes  
Section 48-572 to enter into this agreement and has by  
resolution, a copy of which is attached hereto and made a part  
hereof, resolved to enter into this agreement and has authorized  
the undersigned to execute this agreement on behalf of the City.

3. The Federal Intermodal Surface Transportation Efficiency  
Act of 1991 has made funds available to the State for the use of  
the City to provide support to the Center for Advanced  
Transportation Systems Research Technology Transfer Program. The  
State and the City desire to define their respective  
responsibilities relating to the transfer of up to \$47,150.00  
thru the State to the City and the expenditure thereof.

THEREFORE, in consideration of the mutual agreements expressed  
herein, it is agreed as follows:

NO. <u>21177</u>
FILED WITH SECRETARY OF STATE
Date Filed <u>11/14/96</u>
<u>Jane Lee Hull</u> Secretary of State
By <u>Vicky Greenwald</u>

## II. SCOPE

### 1. The State will:

Provide the City federal STP funds in the amount of up to \$47,150.00, on a monthly cost reimbursement basis for activities performed relating to the support of the Center for Advanced Transportation Systems Research Technology Transfer Program.

### 2. The City will:

a. Apply funding to project work activities in strict accordance with applicable Federal and State laws, rules and regulations.

b. Conduct related work activities generally in accordance with Attachment A, which is incorporated herein and made a part hereof. Be responsible for any claims for extra compensation.

c. Provide the required \$2,850.00 match in funds or in-kind services, and invoice the State for reimbursement no more often than monthly, supported by narrative reports, in a total amount not to exceed \$47,150.00.

## III. MISCELLANEOUS PROVISIONS

1. The only interest of the Arizona Department of Transportation in this agreement is to convey federal pass through funds for the use and benefit of the City by reason of State and Federal law under which funds for the activities are authorized to be expended.

2. This agreement shall remain in force and effect until completion of said activities and reimbursements; provided, however, that this agreement may be cancelled at any time prior to the commencement of performance, upon thirty (30) days written notice to the other party.

3. Should the work contemplated under this agreement be completed at a lower cost than the reimbursed amount, or for any other reason should any of these funds not be expended, a proportionate amount of the funds provided shall be reimbursed to the State.

4. This agreement shall become effective upon filing with the Secretary of State.

5. This agreement may be cancelled in accordance with Arizona Revised Statutes Section 38-511.

6. The provisions of Arizona Revised Statutes Section 35-214 are applicable to this contract.

7. In the event of any controversy which may arise out of this agreement, the parties hereto agree to abide by required arbitration as is set forth in Arizona Revised Statutes Section 12-1518.

8. All notices or demands upon any party relating to this agreement shall be in writing and shall be delivered in person or sent by mail addressed as follows:

Arizona Department of Transportation  
Joint Project Administration  
205 South 17 Avenue, Mail Drop 616E  
Phoenix, AZ 85007

City of Tucson  
Transportation Director  
PO Box 27210  
Tucson, AZ 85726-7210

9. Attached hereto and incorporated herein is the written determination of legal counsel that the parties are authorized under the laws of this State to enter into this agreement and that the agreement is in proper form.

IN WITNESS WHEREOF, the parties have executed this agreement the day and year first above written.

CITY OF TUCSON

STATE OF ARIZONA  
Department of Transportation

By: George Miller  
GEORGE MILLER  
Mayor

By: Jay Klagge  
JAY KLAGGE, Director  
Transportation Planning

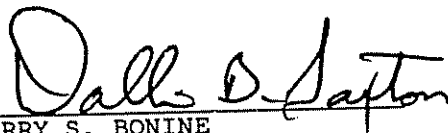
ATTEST

By: Kathleen S. Detrick  
KATHLEEN S. DETRICK  
City Clerk

RESOLUTION

BE IT RESOLVED on this 26th day of July 1996, that I, the undersigned LARRY S. BONINE, as Director of the Arizona Department of Transportation, have determined that it is in the best interests of the State of Arizona that the Department of Transportation, acting by and through the Highways Division, to enter into an agreement with the City of Tucson for the purpose of defining responsibilities for conducting the FY96 - 97 Advanced Transportation Systems Research Tehnology Transfer program.

Therefore, authorization is hereby granted to draft said agreement which, upon completion, shall be submitted to the Transportation Planning Director for approval and execution.

  
for LARRY S. BONINE  
Director

ADOPTED BY THE  
MAYOR AND COUNCIL  
OCT 21 1996

RESOLUTION NO. 17452

RELATING TO TRANSPORTATION; APPROVING AND AUTHORIZING EXECUTION OF AN INTERGOVERNMENTAL AGREEMENT WITH THE STATE OF ARIZONA DEPARTMENT OF TRANSPORTATION FOR FUNDING THE FISCAL YEAR 96-97 ADVANCED TECHNOLOGY TRANSFER PROGRAM FROM THE INTERMODAL SURFACE TRANSPORTATION EFFICIENCY ACT OF 1991.

BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF TUCSON, ARIZONA, AS FOLLOWS:

SECTION 1. The Intergovernmental Agreement with the State of Arizona Department of Transportation for funding from the Intermodal surface Transportation Efficiency Act of 1991, attached hereto, is approved.

SECTION 2. The Mayor is hereby authorized and directed to execute the said Agreement for and on behalf of the City of Tucson and the City Clerk is directed to attest the same.

SECTION 3. The various City officers and employees are authorized and directed to perform all acts necessary or desirable to give effect to this resolution.

SECTION 4. WHEREAS, it is necessary for the preservation of the peace, health and safety of the City of Tucson that this resolution become immediately effective, an emergency is hereby declared to exist and this resolution shall be effective immediately upon its passage and adoption.

APPROVAL OF THE TUCSON CITY ATTORNEY

I have reviewed the above referenced proposed intergovernmental agreement, between the DEPARTMENT OF TRANSPORTATION, HIGHWAYS DIVISION, and the CITY OF TUCSON and declare this agreement to be in proper form and within the powers and authority granted to the City under the laws of the State of Arizona.

DATED this 2nd day of October, 1996.

Elouah S. S. S.

City Attorney

**CATEGORY 600 - Transportation****SUBCATEGORY 601 - Local Agency Transportation Program Support Services**

Tucson Department of Transportation  
James A. Turner

**Work Element:** 601.06 Advanced Transportation Technologies

**Objective(s):** Provide support to the Center for Advanced Transportation Systems Research Technology Transfer Program and facilitate local government involvement in training opportunities.

**Product(s):**

1. Training Workshops
2. Expanded Video Library

**Related Work:** Transportation Improvement Program (604.01)  
Government Technical Assistance (602.06)  
Transportation Financial Analysis and Assistance (602.07)

**Anticipated Impact:** This work element will support local government training activities to facilitate the implementation of projects implemented under ISTEA.

**Task(s):**

- A. Provide regional funding support to statewide Technology Transfer program.
- B. Provide travel and training funding support for local government participants.

FUNDING SOURCE	AMOUNT	RESPONSIBLE AGENCY	COST	APPROX. PERSON MONTHS
STP	47,150	TDOT/PCDOT/ Consultant	50,000	12
LOCAL	2,850			
TOTAL	50,000	TOTAL	50,000	



STATE OF ARIZONA

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GRANT WOODS  
ATTORNEY GENERAL

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## INTERGOVERNMENTAL AGREEMENT DETERMINATION

A.G. Contract No. KR96-1681-TRN, an agreement between public agencies, has been reviewed pursuant to A.R.S. § 11-952, as amended, by the undersigned Assistant Attorney General who has determined that it is in the proper form and is within the powers and authority granted to the State of Arizona.

No opinion is expressed as to the authority of the remaining parties, other than the State or its agencies, to enter into said agreement.

DATED this 7th day of November, 1996.

GRANT WOODS  
Attorney General

JAMES R. REDPATH  
Assistant Attorney General  
Transportation Section

JRR:lsr